

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2017

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
Capitol Station  
PO Box 12068  
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 2254, as Filed by Senator Juan Hinojosa - relating to the powers and duties of the Needmore Ranch Municipal Utility District No. 1 and the territory of the Hays Trinity Groundwater Conservation District and the Barton Springs-Edwards Aquifer Conservation District.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Senate Bill 2254 amends Special District Local Laws Code Chapter 8471 by adding the authority of Texas Water Code (TWC) Chapters 36 and 49 to the existing TWC Chapter 54 authority of the Needmore Ranch Municipal Utility District No. 1 (MUD) that is located in part of Hays County. The bill provides that, if there is a conflict between TWC Chapters 36 and 54, TWC Chapter 54 prevails. The MUD is currently empowered to supply water for municipal, domestic, power and commercial purposes; collection, transport, and disposal of wastes; gather, conduct, divert, and control local storm water; and provide parks and recreational facilities. Upon passage of this bill and subsequent voter approval, the MUD's territory will be removed from the territory and groundwater management authority of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) and the Hays Trinity Groundwater Conservation District (GCD); and responsibility for determining permit requirements for MUD water wells, determining the spacing and production limits for MUD water wells, and developing a management plan to achieve adopted Desired Future Conditions for the relevant aquifers in the groundwater management area would be transferred from the BSEACD and the Hays Trinity GCD to the MUD.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Wilson".

Kim Wilson, Director  
Water Availability Division

cc: The Honorable Charles Perry, Chairman, Senate Committee of Agriculture, Water, and Rural Affairs  
Senator Juan Hinojosa, Texas Senate

LETTER OF TRANSMITTAL  
TEXAS SENATE  
STATE OF TEXAS

SB 2254

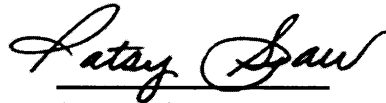
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/27/2017

Date transmitted to  
Governor's Office



Secretary of the Senate

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

April 7, 2017

Date transmitted to  
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate  
The Honorable Speaker of the House of Representatives  
The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Hinojosa

S.B. No. 2254

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of the Needmore Ranch Municipal  
3 Utility District No. 1 and the territory of the Hays Trinity  
4 Groundwater Conservation District and the Barton Springs-Edwards  
5 Aquifer Conservation District.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 8471.102, Special District Local Laws  
8 Code, is amended to read as follows:

9 Sec. 8471.102. GROUNDWATER CONSERVATION DISTRICT AND  
10 MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES; CONFLICTS OF LAW.

11 (a) The district has the powers and duties provided by the general  
12 law of this state, including Chapters 36, 49, and 54, Water Code,  
13 applicable to groundwater conservation districts and municipal  
14 utility districts created under Section 59, Article XVI, Texas  
15 Constitution.

16 (b) If there is a conflict between Chapters 36 and 54, Water  
17 Code, Chapter 54 prevails.

18 SECTION 2. Section 8802.003, Special District Local Laws  
19 Code, is amended to read as follows:

20 Sec. 8802.003. DISTRICT TERRITORY. (a) The district is  
21 composed of the territory described by the Texas Water Commission's  
22 August 15, 1986, order, as that territory may have been modified  
23 under:

24 (1) Subchapter J, Chapter 36, Water Code; or

1                   (2) other law.

2           **(b) If the Needmore Ranch Municipal Utility District No. 1**  
3 **is confirmed at an election held for that purpose, the territory of**  
4 **the Needmore Ranch Municipal Utility District No. 1 is removed from**  
5 **the district.**

6           SECTION 3. Section 8843.004, Special District Local Laws  
7 Code, is amended to read as follows:

8           Sec. 8843.004. DISTRICT TERRITORY. **(a)** The district's  
9 boundaries are coextensive with the boundaries of Hays County,  
10 excluding any area that on September 1, 2001, was within another  
11 groundwater conservation district with authority to require a  
12 permit to drill or alter a well for the withdrawal of groundwater,  
13 unless the district's territory has been modified under:

14                   (1) Subchapter J, Chapter 36, Water Code; or

15                   (2) other law.

16           **(b) If the Needmore Ranch Municipal Utility District No. 1**  
17 **is confirmed at an election held for that purpose, the territory of**  
18 **the Needmore Ranch Municipal Utility District No. 1 is removed from**  
19 **the district.**

20           SECTION 4. (a) The legal notice of the intention to  
21 introduce this Act, setting forth the general substance of this  
22 Act, has been published as provided by law, and the notice and a  
23 copy of this Act have been furnished to all persons, agencies,  
24 officials, or entities to which they are required to be furnished  
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
26 Government Code.

27           (b) The governor, one of the required recipients, has

S.B. No. 2254

1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed  
4 its recommendations relating to this Act with the governor, the  
5 lieutenant governor, and the speaker of the house of  
6 representatives within the required time.

7 (d) All requirements of the constitution and laws of this  
8 state and the rules and procedures of the legislature with respect  
9 to the notice, introduction, and passage of this Act are fulfilled  
10 and accomplished.

11 SECTION 5. This Act takes effect September 1, 2017.

**Austin American-Statesman**  
statesman.com | austin360.com

**NOTICE OF INTENT TO  
INTRODUCE LEGISLATION**

This is to give notice of intent to introduce in the 85th Legislature, Regular Session, a bill to be entitled an Act relating to the territory and functions of the Barton Springs Edwards Aquifer Conservation District

# 711134 2-19/2017

STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Alejandro Cado, Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published at the lowest published rate for Classified advertising in said newspaper on the following date(s), to wit: MCCARTHY & MCCARTHY,, First date of Publication 02/19/2017, Last date of Publication 02/19/2017, Web and print times Published 2, Legal Notices, 1 X 10, and that the attached is a true copy of said advertisement.

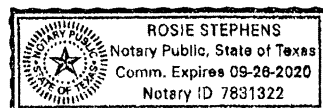
NOTICE OF INTENT TO INTRODUCE LE

Ad ID: 1396471

Ad Cost: 145.40

SWORN AND SUBSCRIBED TO BEFORE ME, on  
02/27/2017

Notary Public



Austin American Statesman  
statesman.com | austin360.com

ADVERTISING INVOICE

BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	DOCUMENT
S79952	02/19/2017	\$0.00	424256
BILLING PERIOD	TERMS OF PAYMENT	PAYMENT DUE	PAGE #
02/19/2017 - 02/19/2017	Upon Receipt	02/19/2017	1 / 1
ADVERTISER CLIENT #	ADVERTISER CLIENT NAME		
S79952	MCCARTHY & MCCARTHY		

MCCARTHY & MCCARTHY  
1122 COLORADO ST  
SUITE 2399  
AUSTIN TX 78701

For questions concerning this bill call 855-333-2876  
If paid, please disregard. Thank you.

DATE	NEWSPAPER REFERENCE	DESCRIPTION	DIMENSIONS BILLED UNITS	TIMES RUN RATE	GROSS AMOUNT	NET AMOUNT
02/17/2017		Prepayment for 711134				-\$145.40
02/19/2017	711134	NOTICE OF INTENT TOINTRODUC LEGISLATION			145.40	145.40
02/19/2017		Austin American-				
02/19/2017		Total Amount Due				\$0.00

PLEASE DETACH AND INCLUDE WITH YOUR PAYMENT

PAYMENT COUPON

DOCUMENT	BILLING DATE	TERMS OF PAYMENT	PAYMENT DUE	ADVERTISER CLIENT #	ADVERTISER CLIENT NAME
424256	02/19/2017	Upon Receipt	02/19/2017	S79952	MCCARTHY & MCCARTHY

Please send your payment to:

CMG - Austin Remittance Address  
PO Box 645255  
Cincinnati, OH 45264-5255

S79952  
MCCARTHY & MCCARTHY  
1122 COLORADO ST  
SUITE 2399  
AUSTIN TX 78701

TOTAL AMOUNT	AMOUNT ENCLOSED
\$0.00	

**READER PHOTO**

Call 812-992-2454

1. **අනුමැතිය**

**PROJEKTOVU EVIDENCIJU PREDAJTE**

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WE ACCEPT ~~OF THE~~

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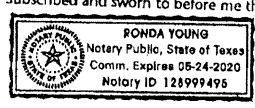


THE STATE OF TEXAS }  
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and  
for Hays County, Texas, personally appeared Don Moore  
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been  
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one  
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto  
attached was published in the regular edition of said newspaper for a period of 1 day  
on the following dates  
February 19, 20 17,  
\_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, a printed clipping of said notice being hereto attached.  
The said publication further states that the rate charged for this publication is the lowest rate charged  
commercial advertising for the same class of advertising for a like amount of space.

(Signed) Don Moore  
Publisher

Subscribed and sworn to before me this 20<sup>th</sup> day of February, 20 17  
Ronda Young  
Ronda Young



THE STATE OF TEXAS }  
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

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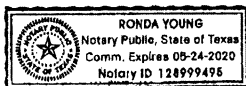
, 20, a printed clipping of said notice being hereto attached.

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commercial advertising for the same class of advertising for a like amount of space.

(Signed) Don Moore

Publisher

Subscribed and sworn to before me this 20<sup>th</sup> day of February, 20 17



Ronda Young  
Ronda Young